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OFFICE OF PETITIONS

In re Application of
Toby Walker et al :
Application No. 09/647,265 :
Filed: November 9, 2000 :
Attorney Docket No. 09812.0526 :
:

ON PETITION

This is a decision on the petition filed February 6, 2006, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot**.

Unfortunately, the petition did not reach the appropriate official for decision within sufficient time to avert issuance of the application into a patent. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Files Repository.

Karen Creasy
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Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy